# Executive Summary - Enforcement Matter - Case No. 43065 INEOS USA LLC dba INEOS Polyethylene North America RN100229905

Docket No. 2011-2221-IWD-E

Order Type:

1660 Agreed Order

**Findings Order Justification:** 

N/A

Media:

IWD

**Small Business:** 

No

Location(s) Where Violation(s) Occurred:

INEOS Polyethylene North America La Porte Plant, 1230 Battleground Road (State Highway 134), south of Miller Cutoff Road, La Porte, Harris County

Type of Operation:

Polyolefin manufacturing facility with an associated wastewater treatment facility

**Other Significant Matters:** 

Additional Pending Enforcement Actions: Yes, Docket No. 2011-2264-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 9, 2012

Comments Received: No

# Penalty Information

Total Penalty Assessed: \$17,490

Amount Deferred for Expedited Settlement: \$3,498 **Amount Deferred for Financial Inability to Pay: \$0** 

Total Paid to General Revenue: \$13,992

**Total Due to General Revenue: \$0** 

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:** 

Person/CN - Average Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

**Applicable Penalty Policy:** September 2002

# Executive Summary – Enforcement Matter – Case No. 43065 INEOS USA LLC dba INEOS Polyethylene North America RN100229905 Docket No. 2011-2221-IWD-E

# **Investigation Information**

**Complaint Date(s):** N/A **Complaint Information**: N/A

Date(s) of Investigation: November 30, 2010

Date(s) of NOE(s): January 25, 2011

## **Violation Information**

- 1. Failed to comply with permitted effluent limits for oil & grease and total suspended solids [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000544000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 005 and Other Requirements No. 4, Polypropylene Unit].
- 2. Failed to timely submit the annual discharge monitoring report ("DMR") for Outfall 001 for the monitoring period ending August 31, 2010 [30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0000544000, Monitoring and Reporting Requirements No. 1 and Other Requirements No. 6].

## Corrective Actions/Technical Requirements

# **Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures at the Facility:

- a. By February 8, 2011, submitted the annual DMR for Outfall 001 for the monitoring period ending August 31, 2010; and
- b. By March 31, 2011, updated operational procedures to ensure that samples are collected from the correct location and that the Polypropylene Unit is operated correctly; repaired the pumps for Outfall 005; and returned to compliance with all permitted effluent limits.

# **Technical Requirements:**

N/A

# Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

# Executive Summary – Enforcement Matter – Case No. 43065 INEOS USA LLC dba INEOS Polyethylene North America RN100229905 Docket No. 2011-2221-IWD-E

## **Contact Information**

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Lanae Foard, Enforcement Division,

Enforcement Team 1, MC 169, (512) 239-2554; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

**Respondent:** Robert Bradshaw, Site Manager, INEOS Polyethylene North America,

1230 Independence Parkway South, La Porte, Texas 77571

Lori Gualandri, SHE Manager, INEOS Polyethylene North America, 1230 Independence

Parkway South, La Porte, Texas 77571

**Respondent's Attorney:** N/A



#### Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 7-Nov-2011 PCW 7-Nov-2011 Screening 7-Nov-2011 EPA Due RESPONDENT/FACILITY INFORMATION Respondent INEOS USA LLC dba INEOS Polyethylene North America Reg. Ent. Ref. No. RN100229905 Major/Minor Source Major Facility/Site Region 12-Houston CASE INFORMATION No. of Violations 2 Enf./Case ID No. 43065 Docket No. 2011-2221-IWD-E Order Type 1660 Media Program(s) Water Quality Government/Non-Profit No Enf. Coordinator Lanae Foard Multi-Media EC's Team Enforcement Team Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$7,600 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. \$10,640 Compliance History 140.0% Enhancement Subtotals 2, 3, & 7 Enhancement for two NOVs with same/similar violations, 12 months of self-reported effluent violations, six NOVs with dissimilar violations, and Notes three orders with denial of liability; and a reduction for two notices of intent. Culpability No 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$750 \$0 Economic Benefit 0.0% Enhancement\* Subtotal 6 Total FB Amounts \$150 \*Capped at the Total EB \$ Amount Approx. Cost of Compliance \$17,490 SUM OF SUBTOTALS 1-7 Final Subtotal \$0 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$17,490 STATUTORY LIMIT ADJUSTMENT \$17,490 Final Assessed Penalty

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

**PAYABLE PENALTY** 

Deferral offered for expedited settlement.

20.0%

Reduction

Adjustment

-\$3,498

\$13,992

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Screening Date 7-Nov-2011

Docket No. 2011-2221-IWD-E

Respondent INEOS USA LLC dba INEOS Polyethylene North America

**Case ID No. 43065** 

Reg. Ent. Reference No. RN100229905 Media [Statute] Water Quality

Compliance

History

Notes

Enf. Coordinator Lanae Foard

**Compliance History Worksheet** 

>> Compliance History Site Enhancement (Subtotal 2) Enter Number Here Adjust. Component Number of... Written notices of violation ("NOVs") with same or similar violations as those in 14 70% NOVs the current enforcement action (number of NOVs meeting criteria) Other written NOVs 6 12% Any agreed final enforcement orders containing a denial of liability (number of 3 60% orders meeting criteria) Any adjudicated final enforcement orders, agreed final enforcement orders Orders without a denial of liability, or default orders of this state or the federal 0 0% government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements 0% 0 **Judgments** or consent decrees meeting criteria) and Consent Any adjudicated final court judgments and default judgments, or non-Decrees adjudicated final court judgments or consent decrees without a denial of liability, 0 0% of this state or the federal government Any criminal convictions of this state or the federal government (number of 0 0% Convictions counts) Chronic excessive emissions events (number of events) 0 0% **Emissions** Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 2 -2% 1995 (number of audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which 0% violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more No 0% Voluntary on-site compliance assessments conducted by the executive director 0% No under a special assistance program Other Participation in a voluntary pollution reduction program 0% No Early compliance with, or offer of a product that meets future state or federal No 0% government environmental requirements Adjustment Percentage (Subtotal 2) 140% >> Repeat Violator (Subtotal 3) Adjustment Percentage (Subtotal 3) >> Compliance History Person Classification (Subtotal 7) Average Performer Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Enhancement for two NOVs with same/similar violations, 12 months of self-reported effluent violations, six NOVs with dissimilar violations, and three orders with denial of liability; and a

reduction for two notices of intent.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 140%

Screening Date	7-Nov-2011 <b>Docket No.</b> 2011-2221-IWD-E	PCW
2. The state of	INEOS USA LLC dba INEOS Polyethylene North America	Policy Revision 2 (September 2002)
Case ID No.		PCW Revision October 30, 2008
Reg. Ent. Reference No.		
Media [Statute]		
Enf. Coordinator		
Violation Number		
Rule Cite(s)	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), a	
	Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000	
	Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. Other Requirements No. 4, Polypropylene Unit	005 and
	Other Requirements No. 4, Polypropylene onit	
	Failed to comply with permitted effluent limits, as documented during	a record
Violation Description	review conducted on November 30, 2010, and shown in the attached	
	table	
		Halling to the state of the sta
	Rac	se Penalty \$10,000
uninininininininininininininininininini	bus	\$10,000
>> Environmental, Proper	ty and Human Health Matrix	
***************************************	Harm	
Release	Major Moderate Minor	
OR Actual		
Potential	Percent 25%	I IIIII
>> Doores		idhaaaaa
>>Programmatic Matrix Falsification	Major Moderate Minor	
1 disincation	Percent 0%	-
	<u> </u>	1
Human health	or the environment has been exposed to insignificant amounts of polluta	ints which
Matrix do not exceed	levels that are protective of human health or environmental receptors as	
Notes	the violation.	
Lister i la califeri i dalli		
	Adjustment	\$7,500
		\$2,500
Violation Events		
Violation Lvents		
Number of \	/iolation Events 3 120 Number of violation	days
	daily iiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii	
	weekly	
mark only one	monthly	
with an x	quarterly Violation Bas	e Penalty \$7,500
	semiannual	SAMPOOLES
	annual <u>Bullius</u>	, con
	single event	*
B10.2000*********************************		
Three quarter	ly events are recommended (two for Outfall No. 005 and one for the Polyp	propylene
	Unit),	
<u> </u>		
Good Faith Efforts to Com	10.0% Reduction	\$750
	Before NOV NOV to EDPRP/Settlement Offer	
aryan	Extraordinary Extraordinary	
	Ordinary X	
	N/A (mark with x)	
	The Respondent returned to compliance by March 31,	
	Notes 2011.	
***************************************		
	VII.1.41	Cubtotal 66.750
reconnecting	Violation	<b>Subtotal</b> \$6,750
Economic Benefit (EB) for	this violation Statutory Limit	Test
		SERTAR PROTECTION OF THE SERVICE STATE STATE OF THE SERVICE STATE
Estimate	ed EB Amount \$149 Violation Final Pena	alty Total \$17,250
A. Carrier	This violation First Assessed Bounties /- diversed &	limita) #17.250
	This violation Final Assessed Penalty (adjusted for	or limits) \$17,250

	E	conomic	Benefit	Wo	rksheet		
Pesnondent		.C dba INEOS Pol			Haliadinini kadalah di sebagai sebagai s		
Case ID No.		C aba incos i o	yearyterie tvorer	Anten	Çü		
Rea. Ent. Reference No.	4	!				***************************************	
	Water Quality					Percent Interest	Years of
Violation No.	1	ne en ordono do la califactoria de la calonia.					Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
nem Description	No commas or \$						\$55000 destinate attendants
	a engwaran oppropriation i	engaget reffection receivements	. 253255555555555555555555555555		#3032512500000000000000000000000000000000	ese Berli (1961-1961) de la compléte de Grade de Grade	natura lingelgeleggelege elege
Delayed Costs			1				
Equipment				0.00	\$0	\$0 #0	\$0 \$0
Buildings	<u> </u>			0.00	\$0 \$0	\$0 \$0	<u>\$0</u>
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction				0.00	\$0 \$0	n/a	\$0
Land Record Keeping System				0.00	\$0 \$0	n/a	\$0 \$0
· <del>-</del> -	\$250	28-Feb-2010	31-Mar-2011	1.08	\$14	n/a	\$14
Training/Sampling Remediation/Disposal	3230	20-760-2010	31-1491-5011	0.00	\$14 \$0	n/a	\$0
Permit Costs	<u> </u>			0.00	\$0 \$0	n/a	\$0
Other (as needed)	\$2,500	28-Feb-2010	31-Mar-2011	1.08	\$136	n/a	\$136
Notes for DELAYED costs	respectivel	y. Date required	is the initial dat	e of no	ncompliance. Fina	ir the pumps for Ou il date is the date of	compliance.
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		1		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$2,750	·		TOTAL		\$149

	ing Date		dha INFOS Poly	<b>Docket</b> ethylene North A	<b>No.</b> 2011-2221-I\ merica		PCW on 2 (September 2002)
Cas Reg. Ent. Refer Media   Enf. Coo Violatio	se ID No. rence No. [Statute] ordinator	43065 RN100229905 Water Quality	,	:		PCW Rev	vision October 30, 2008
R	ule Cite(s)				TPDES Permit No. Land Other Requir		
Violation [	Description		monitoring perio	od ending August	onitoring report ("D 31, 2010, as docu vember 30, 2010.		
					, nnaocean harden e e e e e e e e e e e e e e e e e e	Base Penalty[	\$10,000
>> Environmenta	al, Properi 	y and Huma: Major	an Health Ma Harm Moderate	Itrix Minor			
OR	Actual Potential				Percent	0%	
>>Programmatic	: Matrix -alsification	Major	Moderate	Minor			
					Percent	1%	
Matrix Notes		At le	ast 70% the per	mit requirement	was met.		
					Adjustment	\$9,900	
Violation Events							\$100
	Number of V	iolation Events	1	160	Number of vic	lation days	
		daily weekly		•			
	nark only one with an x	monthly quarterly semiannual annual single event			Violatio	n Base Penalty	\$100
manuscript and the second seco				nt is recommend	ed.		
Good Faith Effort		Extraordinary	0.0% Ren	duction / to EDPRP/Settlemer	nt Offer		\$0
		Ordinary Ordinary N/A	X (ma	ırk with x)			,
		ř			ne good faith criteri n.	a for	
		£.hm			Vio	lation Subtotal	\$100
Economic Benefit			<b>[3</b>		Statutory I		
	Estimate	d EB Amount[	This vistati	\$1	Violation Fina ed Penalty (adjus	I Penalty Total	\$240 \$240
			rina viviati	v., i mai 435633	ca i chaity (adjus	) <sub>[</sub>	ΨΕ 10

	<b></b> ,	_UIIUIIIL I	Dellell		rksheet		
Case ID No.	43065	C dba INEOS Poly	ethylene North	Americ	ca		
ea. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
Violation ivo.	_					5.0	15
	Ttem Cost	Date Required	Final Date	Vrc	Interest Saved	Onetime Costs	EB Amount
Item Description							
**************************************							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	<u>\$0</u>
Engineering/construction				0.00	\$0	\$0	<b>\$0</b>
Land				0.00	\$0	n/a	\$0
Record Keeping System	L			0.00	\$0	n/a	<u>\$0</u>
Training/Sampling				0.00	\$0	n/a	<u>\$0</u>
Remediation/Disposal				0.00	\$0	n/a n/a	\$0 \$0
Permit Costs Other (as needed)	\$50	30-Sep-2010	8-Feb-2011	0.00	\$0 \$1	n/a n/a	\$0 \$1
	II Estimated cos	st to submit the ar	nnual DMR for t	Outfall I	No. 001 for the mo	onitoring period endi	ng August 31,
Notes for DELAYED costs	2010	. Date required is	s the date the I	MR wa	s due. Final date	onitoring period endi is the date of compl	lance.
Avoided Costs	2010	. Date required is	s the date the I	OMR wa	s due. Final date	is the date of compl for one-time avoic	lance. led costs)
Avoided Costs Disposal	2010	. Date required is	s the date the I	OMR wa	s due. Final date  ng item (except i	is the date of compl for one-time avoid \$0	iance. led costs) \$0
Avoided Costs Disposal Personnel	2010	. Date required is	s the date the I	enterir	s due. Final date  ng item (except 1  \$0  \$0	is the date of compl for one-time avoid \$0 \$0	lance. led costs) \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling	2010	. Date required is	s the date the I	enterir 0.00 0.00 0.00	ns due. Final date  ng item (except 1  \$0  \$0  \$0	for one-time avoic  \$0  \$0  \$0  \$0	lance. led costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	2010	. Date required is	s the date the I	enterir 0.00 0.00 0.00 0.00	s due. Final date  ng item (except 1  \$0  \$0  \$0  \$0	for one-time avoice \$0 \$0 \$0 \$0 \$0	fance.    ed costs
Avoided Costs  Disposal  Personnel  spection/Reporting/Sampling  Supplies/equipment  Financial Assurance [2]	2010	. Date required is	s the date the I	enterir   0.00   0.00   0.00   0.00   0.00	s due. Final date  ng item (except i  \$0  \$0  \$0  \$0  \$0	is the date of complete for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	fance.  led costs)  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	2010	. Date required is	s the date the I	enterir 0.00 0.00 0.00 0.00	s due. Final date  ng item (except 1  \$0  \$0  \$0  \$0	for one-time avoice \$0 \$0 \$0 \$0 \$0	fance.    SO
Avoided Costs Disposal Personnel respection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	2010	. Date required is	s the date the I	enterir   0.00   0.00   0.00   0.00   0.00   0.00	s due. Final date  ng item (except	for one-time avoid  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	so

# EFFLUENT VIOLATION TABLE

# INEOS USA LLC dba INEOS Polyethylene North America TPDES Permit No. WQ0000544000 Docket No. 2011-2221-IWD-E

·	<b>Monitoring Period End Date</b>				
Permitted Effluent Limits	February 2010	May 2010	September 2010		
	Outfall 005				
Oil & Grease Daily Maximum Concentration Limit = 15 mg/L	c	31.1	41		
Polypropylene Unit					
TSS Daily Maximum Concentration Limit = 65 mg/L	66.1	С	С		

TSS = total suspended solids

c = compliant

mg/L = milligrams per liter

			· · · · · · · · · · · · · · · · · · ·

## Compliance History

Customer/Respondent/Owner-Operator: CN603069907 Ineos Polyethylene North America Classification: Rating: 2.89 **AVERAGE** INEOS POLYETHYLENE NORTH Classification: AVERAGE RN100229905 Site Rating: 2.89 Regulated Entity: AMERICA LA PORTE PLANT AIR OPERATING PERMITS **ACCOUNT NUMBER** HG0665E ID Number(s): AIR OPERATING PERMITS **PERMIT** 1439 POLLUTION PREVENTION PLANNING **ID NUMBER** P00633 INDUSTRIAL AND HAZARDOUS WASTE **SOLID WASTE REGISTRATION #** 30704 (SWR) INDUSTRIAL AND HAZARDOUS WASTE **EPAID** TXD980625958 WASTEWATER **PERMIT** WQ0000544000 WASTEWATER **EPA ID** TX0006033 AIR NEW SOURCE PERMITS REGISTRATION 91942 AIR NEW SOURCE PERMITS **PERMIT** 49823 AIR NEW SOURCE PERMITS **PERMIT** 18968 AIR NEW SOURCE PERMITS REGISTRATION 28146 AIR NEW SOURCE PERMITS REGISTRATION 33637 41293 AIR NEW SOURCE PERMITS REGISTRATION 42369 AIR NEW SOURCE PERMITS REGISTRATION AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0665E AIR NEW SOURCE PERMITS **AFS NUM** 4820100004 AIR NEW SOURCE PERMITS REGISTRATION 90452 AIR NEW SOURCE PERMITS REGISTRATION 89308 87828 AIR NEW SOURCE PERMITS REGISTRATION 95296 AIR NEW SOURCE PERMITS REGISTRATION REGISTRATION 84619 AIR NEW SOURCE PERMITS PETROLEUM STORAGE TANK REGISTRATION 57482 REGISTRATION PUBLIC WATER SYSTEM/SUPPLY 1011097 REGISTRATION AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0665E Location: 1230 Battleground Road (State Highway 134), south of Miller Cutoff Road, in La Porte, Harris County, Texas

TCEQ Region:

Date Compliance History Prepared:

**REGION 12 - HOUSTON** 

November 07, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

November 07, 2006 to November 07, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Lanae Foard Phone: (512) 239-2554

#### **Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

No

3. If Yes, who is the current owner/operator?

N/A

4. If Yes, who was/were the prior owner(s)/operator(s)?

N/A

5. When did the change(s) in owner or operator occur?

N/A

6. Rating Date: 9/1/2011 Repeat Violator: NO

#### Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 04/03/2008

ADMINORDER 2007-0907-IWD-E

... ... .. ..

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of

self-reported data.

Effective Date: 10/31/2009

ADMINORDER 2009-0715-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Term and Condition 2 PERMIT

Special Term and Condition 3 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/27/2011

ADMINORDER 2011-0406-AIR-E

Classification: Moderate

Pitation: 20 TAC Ch

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. 49823, Special Condition 2 PERMIT

Permit No. 49829, Spec Cond 3B PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,155.98 pounds ("lbs") of isobutene, 973.73 lbs of ethylene, 46.33 lbs of hexane, 35.72 lbs of propane, and 21.08 lbs of butenes from the Polyethylene Flare ("PE Flare") during an avoidable emissions event (Incident No. 146459) that began on October 21, 2010 and lasted for one hour and 22 minutes.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 11/27/2006 (544557)

- 2 01/03/2007 (544558)
- 3 05/22/2007 (554486)
- 4 06/27/2007 (559989)
- 5 08/16/2007 (566785)
- 6 02/26/2007 (575370)
- 7 03/08/2007 (575371)
- 8 06/14/2007 (575372)
- 9 05/23/2007 (575373)
- 10 06/20/2007 (575374)
- 11 07/18/2007 (575375)
- 12 08/10/2007 (575376)
- 13 11/05/2007 (597414)
- 14 01/25/2008 (601088)
- 15 09/20/2007 (607558)
- 16 10/19/2007 (607559)
- 17 09/20/2007 (607560)
- 18 01/03/2008 (612956)
- 19 11/20/2007 (619529)
- 20 12/20/2007 (619530)

21 05/16/2008

(639634)

- 22 05/19/2008 (639676)
- 23 05/20/2008 (639746)
- 24 05/08/2008 (653471)
- 25 05/21/2008 (653586)
- 26 03/06/2008 (672053)
- 27 03/06/2008 (672054)
- 28 04/17/2008 (672055)
- 29 04/17/2008 (672056)
- 30 06/04/2008 (682016)
- 31 10/27/2008 (689401)

32	10/27/2008	(689493)
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33 05/21/2008	(689967)
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- 36 09/19/2008 (710753)
- 37 10/15/2008 (710754)
- 38 01/16/2009 (727494)
- 39 11/19/2008 (727495)
- 40 12/22/2008 (727496)
- 41 01/16/2009 (727497)
- 42 05/08/2009 (736690)
- 43 07/01/2009 (739065)
- 44 06/29/2009 (746034)
- 45 10/23/2009 (747536)
- 46 03/13/2009 (750283)
- 47 04/16/2009 (750284)
- 48 08/10/2009 (765191)
- 49 05/20/2009 (768378)
- 50 06/15/2009 (768379)
- 51 11/24/2009 (779883)
- 52 12/22/2009 (785601)
- 53 06/25/2010 (790370)
- 54 06/02/2010 (792916)
- 55 03/01/2010 (793881)
- 56 06/23/2010 (794043)
- 57 04/19/2010 (796194)
- 58 02/19/2010 (804692)
- 59 07/29/2009 (804693)
- 60 08/20/2009 (804694)
- 61 09/17/2009 (804695)

62	10/20/2009	(804696)
63	11/17/2009	(804697)
64	12/18/2009	(804698)
65	01/13/2010	(804699)
66	06/14/2010	(824651)
67	06/24/2010	(825652)
68	03/19/2010	(830898)
69	04/20/2010	(830899)
70	05/20/2010	(830900)
71	08/14/2009	(845889)
72	06/16/2010	(846274)
73	09/30/2010	(857913)
74	11/01/2010	(857951)
75	07/20/2010	(860868)
76	08/19/2010	(866835)
77	09/20/2010	(873906)
78	01/25/2011	(879747)
79	02/16/2011	(880628)
80	10/20/2010	(881507)
81	11/19/2010	(888034)
82	12/17/2010	(896247)
83	01/20/2011	(902310)
84	03/17/2011	(906364)
85	02/18/2011	(909091)
86	03/14/2011	(916349)
87	04/18/2011	(924817)
88	07/19/2011	(934892)
89	04/18/2011	(938031)
90	06/16/2011	(945400)
91	10/28/2011	(950851)
92	09/19/2011	(952199)

93 07/20/2011 (952629)

94 08/17/2011 (959310)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Description:

CN603069907 Date: 11/30/2006 (544558)

Classification: Moderate Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2007 CN603069907 (575370)

Self Report? YES Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a) Failure to meet the limit for one or more permit parameter

Date: 04/30/2007 (575373)CN603069907

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2007 (607559)

CN603069907

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/06/2007 (597414)CN603069907

Self Report? NO Classification: Moderate

30 TAC Chapter 115, SubChapter D 115.352(4) Citation:

> 30 TAC Chapter 115, SubChapter H 115,783(5) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

49823, Special Condition 9.E. PERMIT

5C THC Chapter 382, SubChapter D 382.085(b)

O-1439, Special Condition 1.A. OP O-1439, Special Condition 12 OP

INEOS failed to seal open-ended valves or lines with a cap, blind flange, plug or a Description:

second valve.

(CATEGORY B19.g.(8))

Self Report? NO

Classification: Moderate Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

49823, Special Condition 11.A.(3) PERMIT 5C THC Chapter 382, SubChapter D 382.085(b)

O-1439, Special Condition 12 OP

INEOS failed to conduct the second set of sampling for the months of February Description:

2006 and April 2006.

Self Report? NO Classification: Minor

30 TAC Chapter 117, SubChapter B 117.206(i) Citation:

30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)

O-1439, Special Condition 1.A. OP O-1439, Special Condition 7.A. OP

Description: INEOS failed to prevent the operation of the firewater engines between the hours

> of 6 am and noon. (CATEGORY B19.g.(8))

Self Report?

Classification: Moderate

Moderate

Citation:

30 TAC Chapter 106, SubChapter T 106.452(2)(A) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

O-1439, Special Condition 13 OP

Description:

INEOS failed to prevent the abrasive blasting usage rate from exceeding the one

(1) ton per day limit. (CATEGORY B19.g.(1))

Self Report?

Citation:

NO

Classification: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)

30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)

49823, Special Condition 3 PERMIT

5C THC Chapter 382, SubChapter D 382.085(b)

O-1439, Special Condition 12 OP

Description:

INEOS failed to prevent the visible emissions from the flare for more than five

minutes in any two-hour period.

(CATEGORY B19.g.(1))

Self Report? NO

Citation:

Classification: Moderate 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

49823, Special Condition 3 PERMIT

5C THC Chapter 382, SubChapter D 382.085(b)

O-1439, Special Condition 12 OP

Description:

INEOS failed to prevent the net heating value heating value falling below 300

(CATEGORY B19.g.(1))

Date: 06/04/2008

(682016)

CN603069907

Classification:

Classification:

Classification: Moderate

Moderate

Moderate

Moderate

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Citation:

Failure to prevent the unauthorized discharge of plastic fines.

Date: 06/30/2008

(672056)

CN603069907

Self Report? YES Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 08/31/2008

(710753)

CN603069907

Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 11/30/2008

Citation:

Citation:

(727496)

CN603069907

Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 08/14/2009

(845889)

CN603069907

Self Report? NO

Classification: Moderate

Classification: Moderate

Classification:

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

NON-RPT VIOS FOR MONIT PER OR PIPE

Citation:

Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 10/22/2009 (747536)CN603069907

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5)

30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Conditions No. 11E PERMIT

Special Terms and Conditions No. 12 PERMIT

Failed to seal Open-Ended Lines in VOC service in Units A50, A702, 130A, 130B, Description:

A150 and in HRVOC service in the ERU area on February 11, 2008, and on

August 8, 2008.

Self Report? NO

Classification: Minor Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) General Terms and Conditions OP

Description: The valve (TAG No. 22226) and the pump (TAG No. 99011) were identified and

tagged on August 11, 2008, and were not repaired within 15 days of discovery.

Classification: Minor

Self Report? NO

30 TAC Chapter 116, SubChapter G 116.715(a) Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)

5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Conditions No. 2A PERMIT Special Terms and Conditions No. 12 OP

Description: INEOS failed to maintain the PE Flare net heating value above 300 Btu/scf due to

> the malfunctioning of the GC. The heating values recorded were as follows: 213.76 Btu/scf on June 16, 2008 at 11:00 a.m., 259.24 Btu/scf on June 17, 2008 at 4:00 p.m., 271.6 Btu/scf on June 20, 2008 at 3:00 p.m., 106.09 Btu/scf on June 24, 2008 at 2:00 p.m., 262.48 Btu/scf on October 20, 2008, at midnight, and 249

Btu/scf on November 1, 2008 at 1:00 a.m.

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)

5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Terms and Conditions No. 12 OP Special Terms and Conditions No. 3B PERMIT

Description: Failed to monitor the pilot flame due to a faulty programming software of

unknown cause.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) General Terms and Conditions OP

Description: Failed to collect manual samples during PE Flare CEMS downtime for more than

eight hours on January 10, 2009.

Self Report? NO Classification: Minor

30 TAC Chapter 117, SubChapter B 117.310(f) Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) General Terms and Conditions OP

Description: Failed to prevent the operation of the firewater pump engine from 6:00 a.m. to

noon on August 13, 2008 from 7:41 a.m. to 7:50 a.m., September 25, 2008, from

6:00 a.m. to 6:30 a.m., and October 5, 2008, from 8:30 a.m. to 8:40 a.m.

Self Report? NO

30 TAC Chapter 115, SubChapter H 115.764(a)(6) Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) General Terms and Conditions OP

Description:

Failed to collect manual samples from the Cooling Towers (CT1) on January 31,

2009, and (CT2A and CT2B) on May 2, 2008, during CEMS downtime of more

than 24 hours.

Date: 11/24/2009 (779883)

Self Report? NO

Classification: Moderate

Classification: Minor

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b) Special Condition 2 PERMIT

Description:

Failure to prevent leakage of ethylene during maintenance on Pump P-1072 due to

a flawed lockout-tagout procedure.

Self Report?

Classification: Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

5C THSC Chapter 382 382.085(b)

Description:

The RE failed to report the preconstruction authorization (air permit) number

governing the facilities involved in the emissions event.

Date: 02/28/2010

(830898)

CN603069907

Self Report?

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 05/31/2010

(846274)

(881507)

CN603069907

Classification: Moderate

Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 09/30/2010

CN603069907

Self Report?

Classification: Moderate

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 10/01/2010

(857913)

Self Report?

Classification: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

Citation:

5C THSC Chapter 382 382.085(b) Special Condition 3 B PERMIT

Description:

INEOS intermittently failed to maintain the required flame in the Polyethylene (PE)

Flare at times when emissions were routed to that flare. Category B14.

Date: 11/30/2010

(896247)

CN603069907

Self Report? YES

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 02/28/2011

(916349)

CN603069907

Self Report?

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 07/19/2011 (934892)CN603069907

Self Report? NO Classification: Minor

30 TAC Chapter 335, SubChapter A 335.6(c) Citation:

Description: Failed to update the Notice of Registration within 90 days of occurance or

Self Report? NO Classification: Moderate

30 TAC Chapter 335, SubChapter A 335.6(h) Citation:

Failed to submit a TCEQ recycling notification on the ethylene glycol. Description:

Date: 10/28/2011 (950851)CN603069907

Self Report? NO Classification: Minor

30 TAC Chapter 115, SubChapter D 115.352(4) Citation:

30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

5C THSC Chapter 382 382.085(b) Special Condition 11E PERMIT Special Condition 2E PERMIT

Special Terms and Conditions 1(A) and 12 OP

Description: Failure to properly seal 38 open-ended lines in VOC and HRVOC service in the

Polyethylene Unit. See the Prior Enforcement Issues section below for additional

information. (Categaory C 10 Violation)

Self Report?

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(i)(B)(ii)

5C THSC Chapter 382 382.085(b) Special Condition 3 PERMIT Special Condition 3A PERMIT

Special Terms and Conditions 1(A) and 12 OP

Description: Failure to maintain a minimum net heating value of 300 Btu/scf in the fuel gas feed

> (Categaory B19.g.1 Violation) to a flare.

Self Report?

Classification: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)(1) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)

5C THSC Chapter 382 382.085(b) Special Condition 3 PERMIT Special Conditions 3A PERMIT

Special Terms and Conditions 1(A) and 12 OP

Failure to prevent smoking in the PE-Flare. (Category B19g1) Description:

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) Special Terms and Conditions OP

Failure to prevent firewater pump engine from operating between 6:00 a.m. and Description:

12:00 p.m. (Categaory B19g1 Violation)

Self Report? Classification: Moderate NO

30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(iv) Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Special Terms and Conditions 1A OP

Failure to maintain coating emissions under the 3.0 lb/gal limit. (Categaory B19g1 Description:

Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)

5C THSC Chapter 382 382.085(b) Special Condition 2(I) PERMIT

Special Terms and Conditions 1(A) and 12 OP

Description:

Failure to repair a pump in the PE-A130B Unit within 15 days. (Categaory B19.g.1

Violation)

NO

NO

Self Report? Citation:

Classification: Moderate 30 TAC Chapter 115, SubChapter D 115.352(2)(A)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(a)

5C THSC Chapter 382 382.085(b) Special Condition 2(I) PERMIT

Special Terms and Conditions 1A and 12 OP

Description:

Failure to repair nine valves during the last unit shutdown. (Categaory B19.g.1

Violation)

Self Report?

Classification: Moderate

Citation:

30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)

40 CFR Part 60, Subpart VV 60.482-3(g)(1)

5C THSC Chapter 382 382.085(b) Special Condition 2(I) PERMIT

Special Terms and Conditions 1A and 12 OP

Description:

Failure to repair the compressor (Tag No. 98332) during the last unit shutdown.

(Categaory B19.g.1 Violation)

#### F. Environmental audits.

Notice of Intent Date: 01/29/2008

(637195)

No DOV Associated

Notice of Intent Date: 04/30/2010

(803380)

No DOV Associated

G. Type of environmental management systems (EMSs).

H. Voluntary on-site compliance assessment dates.

N/A

- Participation in a voluntary pollution reduction program. 1.
- J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORETHE
ENFORCEMENT ACTION	§	
CONCERNING	§	
INEOS USA LLC DBA INEOS	§	TEXAS COMMISSION ON
POLYETHYLENE NORTH	§	
AMERICA	§	
RN100229905	§	ENVIRONMENTAL QUALITY

### AGREED ORDER DOCKET NO. 2011-2221-IWD-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding INEOS USA LLC dba INEOS Polyethylene North America ("the Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a polyolefin manufacturing facility with an associated wastewater treatment facility located at 1230 Battleground Road (State Highway 134), south of Miller Cutoff Road in La Porte, Harris County, Texas (the "Facility").
- 2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 30, 2011.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of Seventeen Thousand Four Hundred Ninety Dollars (\$17,490) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirteen Thousand Nine Hundred Ninety-Two Dollars (\$13,992) of the administrative penalty and Three Thousand Four Hundred Ninety-Eight Dollars (\$3,498) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. By February 8, 2011, submitted the annual discharge monitoring report ("DMR") for Outfall No. 001 for the monitoring period ending August 31, 2010; and
  - b. By March 31, 2011, updated operational procedures to ensure that samples are collected from the correct location and that the Polypropylene Unit is operated correctly; repaired the pumps for Outfall No. 005; and returned to compliance with all permitted effluent limits.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000544000, Effluent Limitations and

Monitoring Requirements No. 1 for Outfall No. 005 and Other Requirements No. 4, Polypropylene Unit, as documented during a record review conducted on November 30, 2010 and as shown in the table below:

EFFLUENT VIOLATION TABLE					
	Monitoring Period End Date				
Permitted Effluent Limits	February 2010	May 2010	September 2010		
Outfall No. 005					
Oil & Grease Daily Maximum Concentration	c	31.1	41		
Limit = 15 mg/L					
Polypropylene Unit					
TSS Daily Maximum Concentration	66.1	c	c		
Limit = 65 mg/L			-		

TSS = total suspended solids

c = compliant

mg/L = milligrams per liter

2. Failed to timely submit the annual DMR for Outfall No. 001 for the monitoring period ending August 31, 2010, in violation of 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0000544000, Monitoring and Reporting Requirements No. 1 and Other Requirements No. 6, as documented during a record review conducted on November 30, 2010.

#### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INEOS USA LLC dba INEOS Polyethylene North America, Docket No. 2011-2221-IWD-E" to:

INEOS USA LLC dba INEOS Polyethylene North America DOCKET NO. 2011-2221-IWD-E Page 4

> Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 4. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 5. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

INEOS USA LLC dba INEOS Polyethylene North America DOCKET NO. 2011-2221-IWD-E Page 5

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	3/23/12 Date
agree to the attached Agreed Order on behalf	d the attached Agreed Order. I am authorized to for the entity indicated below my signature, and I therein. I further acknowledge that the TCEQ, in materially relying on such representation.
<ul> <li>and/or failure to timely pay the penalty amout</li> <li>A negative impact on compliance histo</li> <li>Greater scrutiny of any permit applicat</li> <li>Referral of this case to the Attorney additional penalties, and/or attorney for the impact of the interest of</li></ul>	ry; ions submitted; General's Office for contempt, injunctive relief, ees, or to a collection agency;
<ul> <li>TCEQ seeking other relief as authorize</li> </ul>	
In addition, any falsification of any complianc	e documents may result in criminal prosecution.
Signature	January 12, 2012 Date
organitate.	240
Lori Gualandri	SHE Manager
Name (Printed or typed) Authorized Representative of INEOS USA LLC dba INEOS Polyethylene No	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.